

AMENDED IN SENATE MARCH 26, 2015

SENATE BILL

No. 276

Introduced by Senator Wolk

February 19, 2015

An act to amend Section 14132.06 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 276, as amended, Wolk. Medi-Cal: local educational agencies.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care ~~Services and Services~~, under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides that ~~specified services~~ *services, including targeted case management services for children with an individual education plan (IEP) or an individualized family service plan (IFSP)*, provided by local educational agencies (LEAs) are covered Medi-Cal benefits, and *authorizes an LEA to bill for those services*. Existing law requires the department to perform various activities with respect to the billing option for services provided by LEAs.

This bill would require the department to seek federal financial participation for covered services that are provided by an LEA to a child who is an eligible Medi-Cal beneficiary regardless of whether the child has an individualized education plan or an individualized family service plan, or whether those same services are provided at no charge to the beneficiary or to the community at large, if the LEA takes all reasonable measures to ascertain and pursue claims for payment of covered services against legally liable ~~third~~ *3rd* parties. *The bill would require a legally*

liable 3rd party to issue a notice of denial of noncoverage of services or benefits if the legally liable 3rd party denies a claim for payment of covered services submitted by an LEA.

This bill would also expand the authority of an LEA to provide targeted case management services.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Local educational agencies (LEA) must have an approved
4 provider participant agreement with the State Department of Health
5 Care Services through the *federal* Centers for Medicare and
6 Medicaid Services to be eligible to provide services. To participate
7 in the LEA Medi-Cal billing option program, LEAs must reinvest
8 the federal reimbursement they receive under this program in health
9 and social services for children and families, and develop and
10 maintain a collaborative committee to assist them in decisions
11 regarding the reinvestment of federal reimbursements. The
12 providers and supervisors of staff for the assessment and medically
13 necessary health services are school nurses.

14 (b) The LEA billing option facilitates reinvestment in health
15 and social services for students and their families so that schools
16 can foster access to and provide comprehensive health services to
17 eligible Medi-Cal students.

18 (c) The funds are reimbursement for services rendered and can
19 be used as matching dollars to draw down federal financial
20 participation. The funds are restricted in their use; they must
21 supplement existing services, not supplant.

22 (d) It is, therefore, the intent of the Legislature in enacting this
23 act to ensure that a school district or county office of education
24 that is authorized as an LEA Medi-Cal provider is assured that all
25 options for federal financial participation are available. The
26 Legislature encourages LEAs to utilize reimbursed funds to hire
27 credentialed school nurses to supplement, not supplant, existing
28 LEA health services personnel.

29 SEC. 2. Section 14132.06 of the Welfare and Institutions Code
30 is amended to read:

1 14132.06. (a) Services specified in this section that are
2 provided by a local educational agency are covered Medi-Cal
3 benefits, to the extent federal financial participation is available,
4 and subject to utilization controls and standards adopted by the
5 department, and consistent with Medi-Cal requirements for
6 physician prescription, order, and supervision.

7 (b) Any provider enrolled on or after January 1, 1993, to provide
8 services pursuant to this section may bill for those services
9 provided on or after January 1, 1993.

10 (c) Nothing in this section shall be interpreted to expand the
11 current category of professional health care practitioners permitted
12 to directly bill the Medi-Cal program.

13 (d) Nothing in this section is intended to increase the scope of
14 practice of any health professional providing services under this
15 section or Medi-Cal requirements for physician prescription, order,
16 and supervision.

17 (e) (1) For the purposes of this section, the local educational
18 agency, as a condition of enrollment to provide services under this
19 section, shall be considered the provider of services. A local
20 educational agency provider, as a condition of enrollment to
21 provide services under this section, shall enter into, and maintain,
22 a contract with the department in accordance with guidelines
23 contained in regulations adopted by the director and published in
24 Title 22 of the California Code of Regulations.

25 (2) Notwithstanding paragraph (1), a local educational agency
26 providing services pursuant to this section shall utilize current
27 safety net and traditional health care providers, when those
28 providers are accessible to specific schoolsites identified by the
29 local educational agency to participate in this program, rather than
30 adding duplicate capacity.

31 (f) For the purposes of this section, covered services may include
32 all of the following local educational agency services:

33 (1) Health and mental health evaluations and health and mental
34 health education.

35 (2) Medical transportation.

36 (A) The following provisions shall not apply to medical
37 transportation eligible to be billed under this section:

38 (i) Section 51323(a)(2)(A) of Title 22 of the California Code
39 of Regulations.

1 (ii) Section 51323(a)(3)(B) of Title 22 of the California Code
2 of Regulations.

3 (iii) For students whose medical or physical condition does not
4 require the use of a gurney, Section 51231.1(f) of Title 22 of the
5 California Code of Regulations.

6 (iv) For students whose medical or physical condition does not
7 require the use of a wheelchair, Section 51231.2(e) of Title 22 of
8 the California Code of Regulations.

9 (B) (i) Subparagraph (A) shall become inoperative on January
10 1, 2018, or on the date the director executes a declaration stating
11 that the regulations implementing subparagraph (A) and Section
12 14118.5 have been updated, whichever is later.

13 (ii) The department shall post the declaration executed under
14 clause (i) on its Internet Web site and transmit a copy of the
15 declaration to the Assembly Committee on Budget and the Senate
16 Committee on Budget and Fiscal Review and the LEA Ad Hoc
17 Workgroup.

18 (iii) If subparagraph (A) becomes inoperative on January 1,
19 2018, subparagraph (A) and this subparagraph shall be inoperative
20 on January 1, 2018, unless a later enacted statute enacted before
21 that date, deletes or extends that date.

22 (iv) If subparagraph (A) becomes inoperative on the date the
23 director executes a declaration as described in clause (i),
24 subparagraph (A) and this subparagraph shall be inoperative on
25 the January 1 immediately following the date subparagraph (A)
26 becomes inoperative, unless a later enacted statute enacted before
27 that date, deletes or extends that date.

28 (3) Nursing services.

29 (4) Occupational therapy.

30 (5) Physical therapy.

31 (6) Physician services.

32 (7) Mental health and counseling services.

33 (8) School health aide services.

34 (9) Speech pathology services. These services may be provided
35 by either of the following:

36 (A) A licensed speech pathologist.

37 (B) A credentialed speech-language pathologist, to the extent
38 authorized by Chapter 5.3 (commencing with Section 2530) of
39 Division 2 of the Business and Professions Code.

40 (10) Audiology services.

1 (11) Targeted case management services for children ~~with an~~
2 *regardless of whether the child has an* individualized education
3 plan (IEP) or an individualized family service plan (IFSP).

4 (g) Local educational agencies may, but need not, provide any
5 or all of the services specified in subdivision (f).

6 (h) For the purposes of this section, “local educational agency”
7 means the governing body of any school district or community
8 college district, the county office of education, a state special
9 school, a California State University campus, or a University of
10 California campus.

11 ~~(i) Any local educational agency provider enrolled to provide~~
12 ~~service pursuant to this section on January 1, 1995, may bill for~~
13 ~~targeted case management services for children with an IEP or an~~
14 ~~IFSP, provided on or after January 1, 1995.~~

15 ~~(j)~~

16 (i) Notwithstanding any other law, a community college district,
17 a California State University campus, or a University of California
18 campus, consistent with the requirements of this section, may bill
19 for services provided to any student, regardless of age, who is a
20 Medi-Cal recipient.

21 ~~(k)~~

22 (j) No later than July 1, 2013, and every year thereafter, the
23 department shall make publicly accessible an annual accounting
24 of all funds collected by the department from federal Medicaid
25 payments allocable to local educational agencies, including, but
26 not limited to, the funds withheld pursuant to subdivision (g) of
27 Section 14115.8. The accounting shall detail amounts withheld
28 from federal Medicaid payments to each participating local
29 educational agency for that year. One-time costs for the
30 development of this accounting shall not exceed two hundred fifty
31 thousand dollars (\$250,000).

32 ~~(l)~~

33 (k) (1) If the requirement in paragraph (2) is satisfied, the
34 department shall seek federal financial participation for covered
35 services that are provided by a local educational agency pursuant
36 to subdivision (a) to a child who is an eligible Medi-Cal
37 beneficiary, regardless of either of the following:

38 (A) Whether the child has an IEP or an IFSP.

39 (B) Whether those same services are provided at no charge to
40 the beneficiary or to the community at large.

1 (2) The local educational agency shall take all reasonable
2 measures to ascertain and pursue claims for payment of covered
3 services specified in this section against legally liable third parties
4 pursuant to Section 1902(a)(25) of the *federal* Social Security Act
5 (42 U.S.C. Sec. 1396a(a)(25)).

6 (3) *If a legally liable third party denies a claim submitted by a*
7 *local educational agency pursuant to paragraph (2), the legally*
8 *liable third party shall issue a notice of denial of noncoverage of*
9 *services or benefits.*